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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

CARRIE WESEMAN,

Plaintiff,

VS.

**ALYESKA PIPELINE SERVICE
COMPANY,**

Defendant.

Alaska Superior Court Case No.:
3AN-19-11761CI

Case No. 3:20-cv-

NOTICE OF REMOVAL OF CIVIL ACTION

TO: Clerk, United States District Court for the District of Alaska

AND TO: Plaintiff Carrie Weseman, through her attorney of record, Isaac Zorea, Attorney & Counselor at Law.

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Alyeska Pipeline Service Company (“Alyeska Pipeline”) hereby removes this case to the United States District Court for the District of Alaska on the grounds set forth below:

1 1. Public records of the Superior Court for the State of Alaska show that on or
2 about December 16, 2019, Plaintiff Carrie Weseman (“Weseman”) filed an action against
3 Alyeska Pipeline in the Superior Court for the State of Alaska, Third Judicial District at
4 Anchorage, titled *Carrie Weseman v. Alyeska Pipeline Service Company*, (Case 3AN-19-
5 11761CI) (the “Original Complaint”).

6 2. Public Records of the Superior Court for the State of Alaska show that on
7 or about April 20, 2020, the Superior Court issued a Notice and Order for Dismissal for
8 Failure to Serve Defendant, dismissing the Original Complaint. The Notice required that
9 Weseman show good cause in writing why service was not complete, and stated that if
10 good cause was not shown within 30 days, the action would be dismissed. Weseman
11 never filed a good cause affidavit or served the Original Complaint. The dismissal Order
12 was effective as of May 26, 2020

13 3. On or about May 18, 2020, Weseman filed a Complaint [Amended] (the
14 “Amended Complaint”) in the same action as the dismissed Original Complaint.

TIMELY REMOVAL

16 4. Alyeska Pipeline was never served with the Original Complaint and had no
17 knowledge of the action. Alyeska Pipeline first received the Amended Complaint, setting
18 forth the claims for relief on which the state action is based, on June 10, 2020.

NOTICE OF REMOVAL - 2

5. This Notice of Removal of Civil Action is filed within thirty days after receipt by Alyeska Pipeline of copies of the Summons and Complaint [Amended] in the state action on June 10, 2020, and is timely under 28 U.S.C. § 1446(b).

FEDERAL QUESTION JURISDICTION

6. This is a civil action in which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and which may be removed by Alyeska Pipeline to this Court pursuant to 28 U.S.C. § 1441(a), (b).

7. Pursuant to 28 U.S.C. § 1331, federal question jurisdiction exists on the grounds that Weseman has asserted claims under the Age Discrimination in Employment Act, 29 U.S.C. § 623, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101, *et seq.*, and seeks all remedies available under law, including those specifically outlined in 29 U.S.C. § 216(b) and all remedies under 42 U.S.C. § 1981(a) and the Americans with Disabilities Act, including back pay, future pay, compensatory damages, punitive damages and attorneys' fees under 42 U.S.C. § 1988.

VENUE

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391 and District of Alaska Local Rule 3.3(b).

NOTICE OF REMOVAL - 3

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NOTICE

9. Attached as **Exhibit A** is a copy of the notice to the state court of the removal which will be filed promptly in the Superior Court for the State of Alaska, Third Judicial District at Anchorage.

10. Copies of all process, pleadings, and orders received by Alyeska Pipeline are attached as Exhibits according to 28 U.S.C. § 1446(a):

	<u>Exhibit ID</u>	<u>Document Name</u>	<u>Date Filed</u>
7	Exhibit B	Complaint	Dec. 16, 2019
8	Exhibit C	Summons and Notice	Dec. 16, 2019
9	Exhibit D	Notice and Order of Dismissal	Apr. 20, 2020
10	Exhibit E	Complaint [Amended]	May 18, 2020

WHEREFORE, Alyeska Pipeline has removed the state action to this Court.

DATED this 30th day of June, 2020.

DAVIS WRIGHT TREMAINE LLP
Attorneys for Defendant Alaska Airlines, Inc.

By: /s/ Elizabeth P. Hodes
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Certificate of Service

On the 30th day of June, 2020, a true and correct copy of the foregoing document was served via the Court's CM/ECF electronic service on the following counsel of record:

Isaac Zorea
PO Box 210434
Anchorage AK 99521
izorea.law@gmail.com

By: s/ Elizabeth P. Hodes
Elizabeth P. Hodes

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